

**MINUTES
of the
FIRST MEETING
of the
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**June 12, 2015
Room 322, State Capitol
Santa Fe**

The first meeting of the Courts, Corrections and Justice Committee (CCJ) was called to order by Senator Richard C. Martinez, co-chair, on June 12, 2015 at 9:49 a.m. in Room 322 of the State Capitol.

Present

Rep. Zachary J. Cook, Co-Chair
Sen. Richard C. Martinez, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Gail Chasey
Rep. Jim Dines
Rep. Rick Little
Sen. Cisco McSorley
Sen. Sander Rue

Advisory Members

Rep. W. Ken Martinez
Sen. Bill B. O'Neill
Sen. John Pinto
Sen. Mimi Stewart
Sen. Peter Wirth

Absent

Sen. Joseph Cervantes
Sen. Linda M. Lopez
Rep. Georgene Louis
Rep. Antonio Maestas
Rep. Andy Nunez
Rep. William "Bill" R. Rehm
Sen. Lisa Torracco

Sen. Craig W. Brandt
Sen. Jacob R. Candelaria
Rep. Brian Egolf
Rep. Doreen Y. Gallegos
Sen. Daniel A. Ivey-Soto
Rep. Paul A. Pacheco
Sen. William H. Payne
Rep. Patricia Roybal Caballero
Rep. Patricio Ruiloba
Sen. Michael S. Sanchez
Rep. Christine Trujillo

Staff

Douglas Carver, Staff Attorney, Legislative Council Service (LCS)
Monica Ewing, Staff Attorney, LCS
Rebecca Griego, Records Officer, LCS
David Jenkins, Law School Intern, LCS
Taylor Smith, Law School Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file.

Friday, June 12

Senator Martinez welcomed the committee members and meeting attendees, and the committee members introduced themselves.

Overview of the 2015 Legislative Session

Mr. Carver reviewed the outcome of 2015 legislation that was endorsed by the CCJ or by the Criminal Justice Reform Subcommittee (CJRS). He referred to a chart entitled "CCJ Bills from 2015 Legislative Session — Final Results" and noted that the legislature did not pass any of the bills endorsed by the CJRS. He added that while the New Mexico Legislative Council did not create the CJRS for the 2015 interim, the council said that it would consider adding days to the CCJ's schedule so that the CCJ could consider CJRS-related issues.

2015 Interim Work Plan and Meeting Schedule

Mr. Carver provided the committee with a handout entitled "Potential Work Plan Items for the Courts, Corrections and Justice Committee for 2015", and he reviewed the proposed meeting schedule. He said that the Legislative Health and Human Services Committee has proposed a joint meeting with the CCJ on September 23. The committee also agreed to reschedule its November 16-17 meeting to November 30 and December 1.

Mr. Carver reviewed the list of items proposed for inclusion on the committee's work plan. The committee discussed several items specifically, including the following.

- Use of county jails: A committee member suggested that this item be scheduled during a meeting held in a county jail facility. A member of the audience noted that a task force would like to present a report on this item and that report would be finalized by November 1, 2015.
- Recidivism: A committee member recalled that the CCJ previously requested that the Corrections Department and the Children, Youth and Families Department (CYFD) cooperate in developing a tracking method to help measure recidivism rates. The member noted that it is difficult to track juveniles who leave the custody of the CYFD and then enter Corrections Department custody. The committee agreed to send a letter requesting a report from the CYFD and Corrections Department on the development of a tracking method.

- Examination of the problem of drugged driving: A committee member requested that the committee receive testimony regarding studies by the National Transportation Safety Board that examine the effects of various drugs on driving. The committee member also requested that the committee examine the different effects of tetrahydrocannabinols when they are ingested versus inhaled. A member asked that the committee receive information on how the states of Washington and Colorado have addressed drugged driving. Another committee member requested that the CCJ consider recent case law and the role of "drug recognition experts" who are trained to investigate drugged driving cases.
- Training of officers at the New Mexico Law Enforcement Academy: A committee member requested a presentation from the attorney general on this topic and asked that police practices and racial profiling be included in the examination of this item. Another committee member recalled legislation that addressed employment of officers who were previously terminated. A committee member also requested a presentation on the federal oversight of the Albuquerque Police Department.
- Problems with court processes: A committee member asked that the committee consider issues involving both civil and criminal litigation. Another committee member agreed that the examination of civil litigation, including jury fees, should be part of the committee's work plan.
- Restorative justice programs: A committee member requested a presentation from the Peacemaker Program in Gallup during the committee's meeting there.
- Eyewitnesses and DNA evidence: A committee member requested that this topic be addressed at the CCJ's final meeting and asked that the secretary of public safety be invited to give a presentation on the topic. Another committee member asked that the processing of rape kits and related legislation be discussed in connection with this item.
- Consolidation of the state's many elections: A committee member asked that legislation previously introduced by Representative Paul C. Bandy and Senator Wirth be included in the discussion of this topic. Another committee member asked that the committee receive a presentation from the secretary of state and the county clerks' association on improving voter turnout, reducing delays at voting centers and examining the length of ballots. A member suggested that this topic be scheduled on one of the CCJ's additional days.
- Workers' Compensation Administration: A member asked that term employees and occupational disease be discussed in connection with this item and suggested that the Workers' Compensation Advisory Council be contacted about the topic.

- Review of child custody laws: A committee member requested that the committee receive a presentation from Pegasus Legal Services for Children.

Several committee members requested that additional items be included on the committee's work plan.

A member asked that homeowners' associations concerns be added to the work plan and said that realtors in the community would like to present on issues with and proposed revisions to the existing Homeowner Association Act. Particular concerns include document fees charged to buyers and enforcement of the act. The committee agreed to schedule this topic for its final meeting.

Presentation of a report from the Administrative Office of the Courts was added to the work plan.

A committee member requested a presentation by the Corrections Department and the Legislative Finance Committee (LFC) on evidence-based budgeting and the Pew-MacArthur Results First Initiative.

A committee member requested an update on the state's compliance with the federal REAL ID Act of 2005.

Mr. Carver informed the committee that the University of New Mexico School of Law (UNMSL) and the Juvenile Justice Advisory Committee would each like to make a presentation to the committee.

The committee received public comments on the proposed work plan topics.

Ellen Pinnes encouraged the committee to consider behavioral health and substance abuse concerns during the interim.

Jason Rael, in his capacity as a concerned citizen, said that he does not believe that the state's judicial system is authorized to refer juveniles to diversion programs during sentencing. He suggested that the committee schedule presentations from representatives of the district attorneys and the Public Defender Department regarding court delays for later in the interim to allow for recent court process changes to take effect.

Tony Ortiz, director of the New Mexico Sentencing Commission, said that the New Mexico Association of Counties and the CYFD signed a memorandum of understanding creating a team to work on juvenile justice issues, and the team would like to present a report to the committee.

Jennifer Burrill, a representative of the New Mexico Criminal Defense Lawyers Association, suggested that the committee consider issues related to technology, and she cited current concerns with juveniles exchanging photos through the use of technology.

The committee adopted the revised work plan without objection.

Perspectives on Criminal Justice Reform

KC Quirk, executive director of Crossroads for Women (CFW); Monique Asbury, policy intern, Young Women United (YWU), and a client of CFW; Linda Nastacio, policy intern, YWU, and a client of CFW; and Amanda Hamilton, a client of CFW, presented a report entitled "Co-occurring Disorders: Mental Health and Addiction" to the committee.

Ms. Quirk informed the committee that women who are involved in the criminal justice system often experienced incidents of victimization as children. Trauma, she said, often precedes mental health concerns and drug use. She emphasized that programs and services for women such as her clients are needed inside and outside prisons and jails.

Ms. Asbury told the committee that she is a recovering addict who has suffered from depression since she was 12 years old. As a client of CFW, she is learning how to cope with her addiction and depression without the use of medication. She said that her mother is an addict who uses substances to self-medicate.

Ms. Asbury told the committee about her cousin who served three years in Corrections Department facilities and who, since his release, has begun using substances. He and others in the criminal justice system need help and guidance on coping with mental health and addiction issues so they do not resort to self-medicating with illegal drugs.

Ms. Hamilton said that both of her parents were addicts, and she has struggled with addiction for most of her life. She became involved in the criminal justice system in 2009 and has experienced homelessness and mental health issues since that time. Each time she was released from jail, she would be delivered to downtown Albuquerque, and the cycle of addiction and homelessness in her life would begin again. She said that while she was incarcerated she made requests to see a nurse or psychiatrist, but the wait for an appointment was so long that she would be released before her scheduled appointment.

Ms. Hamilton informed the committee that just one person at the Bernalillo County Metropolitan Detention Center works on programming assistance for inmates, and she was fortunate to learn about Maya's Place from another incarcerated woman. She said that when she arrived at Maya's Place, she felt like she was finally given a chance to breathe and begin the process of examining the effects of her addiction. She enrolled in Medicaid and began counseling to address her mental health concerns. With the help she received through Maya's Place and CFW, she eventually moved into her own apartment and enrolled in school. She said

that the longer she is in recovery, the more stability she achieves with her mental health concerns.

Ms. Nastacio said that she also experienced early trauma growing up on a reservation and has abused substances, but she has been clean and sober for a year and five months. She began using alcohol at the age of nine as a form of self-medication for her trauma. Many rural and reservation areas in the state lack resources and services and even in Albuquerque, there is a great need for resources to help women with addictions. She said that, sometimes, being incarcerated was the only way to ensure that she would be safe, off the streets and fed. She learned through her incarceration and her work at Maya's Place that she is dealing with posttraumatic stress disorder, anger and depression. She learned how to eliminate stressors in her life that caused her to use substances.

Ms. Hamilton said that "co-occurring disorders" describes a situation when two or more mental health disorders exist in someone simultaneously. She said that more than 40 million Americans over the age of 18 have some kind of mental illness. Ms. Asbury and Ms. Hamilton stressed that approximately 65% of incarcerated women in the state are women of color, many of whom need resources to address addiction and mental health concerns.

Ms. Quirk said that women with co-occurring disorders need programming inside and outside of corrections facilities. She noted that often these women are not incarcerated long enough to qualify for necessary programming, while other women might spend years in a correctional facility and emerge without literacy skills. She said that more gender-specific services are needed. As an example, she said that many proposed solutions for homelessness will not work for homeless women, who face different safety concerns than homeless men. When programs are developed and evaluated, gender considerations should be made.

A committee member observed that people who are incarcerated might lose Medicaid benefits, which can interrupt health care.

Another committee member thanked Ms. Asbury for her work on Senate Bill 583 during the recent session.

In response to a committee member's question, Ms. Quirk said that her organization works with female veterans, and it has helped to connect veterans with veterans' associations supportive housing programs.

In response to another committee member's question, Ms. Quirk explained that CFW serves homeless and incarcerated women who have co-occurring disorders. The organization operates housing throughout Albuquerque and recently received a grant from Bernalillo County that will allow the addition of 24 more housing units. The organization provides "wrap-around services" for its clients and aims to support its clients in achieving self-sufficiency. The organization receives funding from the United States Department of Housing and Urban

Development (HUD), the City of Albuquerque, Bernalillo County, the United Way, the Albuquerque Community Foundation, the Corrections Department and other sources.

A committee member noted that there are limitations on the use of HUD funding and suggested that state funding could be used to provide services not provided for by HUD funding.

Child and Family Justice and Equity Initiatives at the UNMSL

Barbara Bergman, professor of law at the UNMSL, said that while the state's child well-being ranking is low, lawyers can help make a difference for children through preventative legal advocacy and the shaping of policies. She said that financial concerns prevent many lawyers from providing these services, but the W.K. Kellogg Foundation has awarded a grant to be used for planning a center to recruit and train a diverse group of attorneys and other professionals who serve children.

Beth Gillia, director of the Corinne Wolfe Children's Law Center at the UNMSL, said that the work of the planning group is directly related to the issues discussed by the previous panel of presenters. She said that the planning group has undertaken the following: research; coalition building; examination of data on children's health and economic status; meeting with stakeholders; and identification of the most significant needs in various geographical areas in the state. The group has met with representatives of children's courts, education, legal aid, university partners, health, architecture, the UNMSL, the CYFD and the legislature. She said that for every \$1.00 the state spends on public interest lawyering, it saves \$5.00.

Yael Cannon, assistant professor of law at the UNMSL, said that lawyers and other professionals can play an important role in achieving health justice and equity. She noted that reunification of families can present difficulties that could be eased by trained lawyers and other professionals. The planning group has partnered with the UNM Health Sciences Center to train students to accompany people who need assistance when visiting health clinics. The group would like to expand on that training and include educational opportunities for high school students and undergraduate students.

Andrew Hsi, professor at UNM's Department of Pediatrics, said that doctors often encounter families early in health crises, and he believes that if attorneys were made a part of early preventative services for families in crisis, the outcomes for those families could be improved.

Marie, a representative of the Children's Court in Bernalillo County, said that through her work, she sees how significant families' needs are, and she is encouraged to see that the judiciary could help to address those needs. With training, lawyers can help to improve the juvenile justice and child welfare systems and help ensure quicker resolutions to cases.

In response to a committee member's question, Ms. Bergman said that the planning group is working on a grant proposal to be completed by the end of September, and it has been working

with the UNM Health Sciences Center and the UNMSL, which are both interested in contributing to the effort. The W.K. Kellogg Foundation will provide initial funding, but the effort will ultimately have to be self-sustaining. She added that if the grant is awarded, the first cohort of six to eight students would begin in the fall of 2016.

Ms. Cannon said that the group's work will be a several-million-dollar initiative because of its plan to include post-graduate fellowships. Including the fellowships will help bring national fellowship money to the state.

A committee member suggested that the panel also present to the LFC, and the committee agreed to send a letter to the LFC making that recommendation.

Adjournment

There being no further business before the committee, the first meeting of the CCJ for the 2015 interim adjourned at 2:27 p.m.